IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

CRP.No. 1095 of 2007()

I.A. 7201/2006 IN OS. 73/2006 OF SUB COURT, ERNAKULAM
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REVN. PETITIONER: RESPONDENT/DEFENDANT

K.A.SHAMSUDHEEN,
KADAPURATH HOUSE, ARCHITECT, 44/2016,
ASOKA ROAD, KALOOR, KOCHI-17, ERNAKULAM.

BY ADV. SRI.P.P.JACOB

RESPONDENTS: PETITIONER/PLAINTIFF

M.K.MUHAMMED ALI,
DEBUILD DESIGNERS & BUILDERS, 2ND FLOOR,
PANORAMA ARCADE, EDAPPALLY, COCHIN-24.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.1095 OF 2007

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Dated this the 12th day of December 2007

O R D E R

This revision petition is preferred against the order of the I Addl.Sub Court, Ernakulam in I.A.No.7201/2006 in O.S.No.73 of 2006. The suit is one for realisation of an amount of Rs.2,62,741.85. The plaintiff wants to incorporate an amendment, whereby he wans to enhance the same to Rs.4,66,876/-. A Commission was appointed to assess the market value of the work done and on the basis of the Commissioner's report the plaintiff now wants to amend the plaint. At the stage of amendment, the court need not look into the merits and demerits of the case. Therefore, I do not feel that any interference is necessary at this stage. But, at the same time the valuation made by the Commissioner shall not be taken as a binding on the defendant and the defendant will be at liberty to adduce evidence against the Commissioner's report and the correctness of the amount besides the question whether the plaintiff is entitled to any decree. The result of the suit depends upon the success of the plaintiff in proving the case before the

court.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-